

[370 cont.]

342 or to start a big flame. A Yamana family would scarcely ever
372 enter deeper rock declivities and actual caves, of which there
are few, because they would not feel comfortable there and be-
cause the amount of smoke that would develop from the indispensa-
ble fire would drive them out again (5).

5. A few suitable rock formations and caves
serve merely as cover which our Indians seek
out in order to be barely sheltered for a few
hours against sudden storms. In this sense
Hyades (f): 568 is correct when he says:
"They also settle under an overhanging rock
in some easily accessible cave; for them the
essential thing is to be able to build their
fire" /Id., translated from French/.

342 Actual wind screens, such as are indispensable to the north-
ern Selk'nam (Vol. I, 197), are used as seldom as cave dwellings.
/371/ It is true that for brief, forced encampments or for an urgent
rest stop a simple protective roof is erected from rather large boughs
covered with thick foliage, the free ends of which come together at
the top, or they use a few poles and place pieces of leather on them
to form a sheltering wall, or finally, they make a rude shelter of
brushwood stuck in the ground as close together as possible. In all
this, however, they do not follow a unified, invariable plan, but in
each case choose what is possible and functional, depending on
whether the sun is shining or whether they must mitigate the annoyance
of bad weather, whether there is plenty of foliage at hand or nothing
but a field of cume. Such a casual and transient shelter is called auñla.
When the family travels on, they naturally abandon this construction
without further thought to the destructive forces of nature and thus
give up their right of ownership to it (6). I saw the three basic types

6. Rau (in Oates [g]:57) is the only one who
holds the mistaken view that "the hum do not
belong to the person who built them, but
rather are common property" /translated from

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Spanish/. Anyone who abandons his hut relinquishes the framework and, consciously or unconsciously, places it at the disposal of anyone who wishes to use it later.

mentioned here in all kinds of variations (7).

7. Hyades (q) :342 calls them "a kind of arbor of foliage" /translated from French/. Despard (b) :680 also mentions them.

2. The Two Types of Huts

In the extensive Yamana territory, from the Brecknock Peninsula to Nueva Island and down to Cape Horn, two types of huts for dwellings have developed, namely, the cone-shaped and the dome-shaped. For the time being we shall leave it an open question as to which of the two is ethnologically older here in Tierra del Fuego.

For this question a not unimportant fact is that each of the two types has its definitely limited geographical distribution: in the damp, heavily timbered west the dome-shaped hut is indigenous; in the drier, open east, the cone-shaped one. For both types environmental factors have been at least contributory, perhaps even decisive.

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The Indians gave me reasons which alone may suffice to explain the origin of both types. In the west humidity and dampness greatly predominate. The surface of the ground is much more irregular, and almost everywhere at sea level level ground with gravel or broken stones is absent. The northerly slopes of the rocks not only get the vital force of the sun, but are protected against storm and inclement weather. Thus, a thicker and more compact growth of trees develops here, and even in the smallest crevices the firm roots of the Antarctic beeches find sufficient anchorage. In the west there are few big trees, but there is a preponderance of thin, irregular, flexible trunks that shoot up quickly. They grow close to every shore /372/ and can be uprooted easily because their roots do not penetrate the rocky ground.

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In low places the wind can not exert its full force, except in a few spots, and therefore the dome-shaped hut may be used. It has

421 /963/ They not only acknowledge that material goods have a definite owner who has sole right of disposal, but they also apply this acknowledgment to specific relationships between individuals. Accordingly, children belong to both of their own parents as their property, and one spouse has an actual right to the other. Step-
[58] 736] parents have similar rights to children who have only one parent or are completely orphaned. We shall soon discuss the fact that certain groups have a definite title of possession for sections of land marked off with boundaries.

The social order of the Yamana recognizes two types of property, namely, common possessions and personal property. The former is based on the absolute necessity of hunting and the roving mode of life. Since everyone, or rather the individual family, is thrown back on its own resources for a considerable time, it is also the sole, unrestricted master of everything it carries along, and it disposes of this quite freely. This distribution of possessions is natural; we come across it not only among all three Fuegians tribes, but quite generally among peoples with a low gathering economy.

[476] It would be a mistake to regard the common property as a communistic form of possession, for the individual person only has the usufruct of it under certain conditions. In like manner it would be incorrect to explain along these lines the obligation of mutual aid which is emphasized to a remarkable degree among the Yamana (379). Voluntary distribution of possessions in the form of

379. Hyades (q):243 opposed such an obviously false interpretation: "They like to share what they have with those around them, and one cannot say that this is because of the community of property. This community does not exist in Fuegia" /translated from French/.

booty and tools occurs as a result of social considerations, but leaves completely untouched the right of disposal itself.

1. Common Property

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●423 The consciousness of ethnic unity is very pronounced among our Yamana, as among all primitive peoples. It is based on identity

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423 of language and way of life no less than on sharing the same native region. They regard the fragmented maze of islands within the triangle between the Cape Horn cliffs, Brecknock Peninsula, and Punta Julieta at Bahía Aguirre as their country, within whose boundaries they alone, from ancient times, have the exclusive right to live and to hunt. Actually they make their property rights, in the widest sense of the word, apply to this whole area.

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648 They condemn the crossing of these borders by their Indian neighbors in the northeast, as well as in the southwest, as trespass on their land, simply because it belongs to them alone (380).

380. Spegazzini (a):168 has mentioned
"that the boundaries of a tribe are well
defined; no Aluciluf /Alacaluf/ canoe
goes into Iajan /Yahgan/ territory unless
it has a particular and important mission"
/translated from Spanish/.

They do not drive off the intruders with weapons, but they regard their encroachment quite /964/ frankly as a legal offense. Only the families who reside in an area may grant their neighbors free entrance if personal reasons make it advisable.

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797 They also regard it as robbery when Europeans settle on their land and crowd out their countrymen. For the last few decades they have become resigned to this condition of constraint because they feel too weak to resist. Formerly they overwhelmed many a European ship with hostility and made its landing difficult in order to deprive the unpopular Whites of any possibility or desire to settle here (p. 250 /untranslated/). For the same reason even the missionaries were made to feel the resistance of the natives. For example, it cost the former much toil and labor to found the mission station in Ushuaia, but this did not make that region the property of the missionaries, according to the Indians, and they actually had to submit to all kinds of annoyances. It was only after direct negotiations that Bridges (MM:IV, 133:1870) could content himself with the following solution: "I got full permission from the natives of Ushuaia to take possession of any land for house and gardens. Next time I intend giving them some thing as a small acknowledgment" /cited in English/. Although

• /964 cont. /

423 opposition for a long time has led to absolutely no result, the
648 Yamana have never given up their exclusive legal claim to their
797 native region.

423 They trace this claim back to their so-called revolutionary
173 myth, which tells that in ancient times the women who were play-
ing kina pushed into this region and continued their secret cere-
mony here. Since this time, they say, all the Yamana have re-
mained in one and the same place, and inasmuch as they were
the first to take possession of this land for themselves, it has be-
come their property.

423 The nature of the landscape has divided the whole Yamana
635 territory into five large districts in which an equal number of dia-
lects have developed (p. 199 /untranslated/). Each dialect group
regards its home as, in a special sense, the common property of
all its members. It is the field in which each one may devote him-
self to the hunt for food without restraint. To begin with, the
individual has no vested right to a specific animal and no priority
in obtaining special products of the land. Without discrimination,
everything within the boundaries of the dialect region is available
to everyone living there. Thus, with regard to the natural prod-
ucts of their circumscribed homeland, there is no personal prop-
erty right; this becomes valid only at the moment when a person
appropriates something for himself.

423 It is no less important to point out that only the members
635 of the same dialect group may take what their circumscribed
685 area /965/ holds. Persons whose homes are in a neighboring
district generally do not have the right to cross the boundaries. A
few exceptional cases are regarded as legally valid. If these ex-
ceptions are misused, however, disputes may be kindled and, to
be sure, precisely because of violation of the sovereign rights
which only the actual owners of this region enjoy. They alone
may indiscriminately appropriate in it whatever they need in the
way of animals and goods, even if some of it serves in barter with
people of another group.

It is obvious that every individual will defend the common
possessions of his dialect group, to which he belongs by birth or
marriage and in which he himself has a share. Whenever and
wherever he observes encroachment by a neighbor, he at least
disapproves of it and speaks of it to others in his immediate

/965 cont. /

423 neighborhood. Sometimes the malefactor must atone dearly for
635 his offensive violation of land rights. The Fuegians are even
685 capable of ruthless intolerance toward him. The treatment accorded a certain Okokko may serve as an example. The missionaries with whom he had lived for many months on Isla Keppel wanted him to start a sort of "model farm," like the European prototype, in the center of the region of his countrymen, namely, in Liwya. This, however, was not his home. A small frame house was built for him and a goodly store of provisions left behind so that he could get along for about seven months. His nearest neighbors, however, would not tolerate him there, for, according to them, he was an intruder. They avenged the violation of their land rights in that "Okokko's house, and goats, and property, had been destroyed by fire" /cited in English/. In this case, envy doubtless intensified the mania for destruction (p. 297 /untranslated/).

423 Despite due recognition of the land rights belonging to each
635 dialect group, certain circumstances have nevertheless created legally valid exceptions to the exclusion of one group by another. The basic idea holds for an emergency situation when all doors must be open to every member of the tribe from every direction. This applies first of all to the procurement of raw materials for objects which no one can do without. Uniform, thick beech trunks which furnish suitable pieces of bark for the canoe flourish only in certain places, and there are only a few spots where flint is to be found (p. 41). For anyone seeking these two indispensable kinds of objects the boundaries of the dialect groups, which are drawn on other occasions, do not exist.

Furthermore, anyone who suffers serious hardship in his own region and is threatened by hunger may, without formality, cross the boundary and supply himself in the neighboring territory. It would be inconceivable for our Yamana to deny anyone access to a place where he can save himself from death by starvation. He is permitted to remain there undisturbed until he can demonstrably find subsistence in his own homeland. The most common causes of temporary calamities are: persistent bad weather /966/ regions where canoe trips are difficult in any case; namely, near the outlying islands; no less frequently, the loss of one's canoe; less often, the death of a wife who leaves a man with several small

● 423 /966 cont. /

635 children while his relatives live far away.

225 Finally, there is a completely different kind of occasion
423 when all boundaries are ignored, namely, when a whale is stranded.
423 A certain priority is conceded to those in whose home district this
425 mighty animal is deposited on the shore, for sometimes they have
635 worked hard before the rich booty is spread out before them (p.
224). Nevertheless, their priority consists chiefly of the privilege
to determine the so-called distributors of the fat and meat. It is
not left to the discretion of the individual to go up to the animal
and cut out a piece here or there for himself. Rather, it is the
task of a few men to cut up the big animal properly and to give
something to each one present if he wishes it (p. 310). This is
the only way to prevent useless waste.

Anyone within the widest radius who learns of the stranding
of a whale may head toward the spot unmolested and remain until
all the suitable parts are consumed or distributed. The people
native to the region arrive ahead of the visitors from a distance;
nothing prevents them from taking the prized whalebone and from
having the tastiest pieces cut out for themselves. Hence the peo-
ple within the bounded area where the mighty animal was washed
ashore do enjoy certain advantages. It is easy to see why other
tribal members are also allowed to share this rich gift of Mother
Nature, according to common law. A small number of people
would be unable to consume the considerable amount of fat and
meat quickly enough in the short time before it spoils. Therefore,
nothing would be more natural than to apply, without restraint,
the common principle of sharing with others, especially when
there is abundance to be had without effort. Alerted by dense
flocks of sea birds, the Indians come pouring in to the stranded
whale, even from some distance, and they all enjoy the excellent
taste of the blubber. No one would dare rebuff a visiting stranger
nor hinder him; if one were to do so, he would be loudly decried
as a selfish human being.

423 As for material goods that are common property, our Yamana
have only the two Great Huts built for the čjéxays and the kína,
the men's ceremony. Both serve in the fulfillment of a task for
which the group as such is obligated, and the adult participants
busy themselves at it quite as a matter of course. From the start

/966 cont. /

423 it is their intention to work for the benefit of these events; hence they forgo a property right which otherwise would accrue from their personal work. Later, after the end of the ceremonies when the Great Hut is abandoned by the group, the latter automatically relinquishes its right of disposal. Anyone who then establishes himself in it /967/ or who wants to use a few sticks from it is not prevented from doing so, since he is appropriating something that has been acknowledged as ownerless.

423 635 Although the Yamana emphasize their fight to sole possession of their native area and strictly guard the respective boundaries of their dialect groups, they are just as lenient when distress or expedience make it advisable to waive special rights. They put the life and livelihood of each of their fellow-tribesmen far above these rights.

2. Private Property

421 Like their neighbors, the Selk'nam (Vol. I, 413) and the Halakwulup, our Yamana also make a sharp and clear distinction between common possessions and personal property. The former belongs to a larger group or to the whole tribe; private property belongs to only one person as his individual possession, or, as family property, to members of the same family, in the limited sense of the word, who comprise an economic unit. In everyday speech this distinction between individual possessions and family possessions is clearly expressed (381). For example, the man speaks

381. The data of other observers are not always clear and comprehensive. Thus Hyades (d):309 in one case writes: "Property is individual; there is no chief, social hierarchy, or slaves" /translated from French/. In another place (p):335 he admits that there is common property, besides personal property: "Property is individual and hereditary without a will, but this applies only to personal effects: canoe, hunting or fishing implements, skins of animals, each person having only what is necessary of these objects" /translated from French/.

/969 cont. /

422 this method of procedure by our Yamana on two occasions. Once he bartered tobacco with a man for a dog, but since the dog belonged to the man's wife, she forced Fitz-Roy to give the animal back to her. Snow (b):264 also confirms from his own experience: "I believe they have a sort of property right amongst them, and I have seen one of the oldest women exercising authority over the rest of her people. Wishing to buy a canoe, it was refused me on the ground that it belonged to her, and she would not part with it" /cited in English/.

[425] Every Yamana is completely free to take good care of his property or to neglect it completely. No one even prevents him from wantonly destroying his things. If he lacks something he must personally look around for a replacement. Objects that are found may not be appropriated by the finder, and if he nevertheless keeps them, he risks being labeled a thief. Whatever a person has owned in life /970/ remains his after his death. That is [768] why the belongings of a deceased person are burned and destroyed, inasmuch as no one could legally take them as his property. One does not even encroach upon a dead owner's right to his personal property. The Yamana are unacquainted with the actual inheritance [428] of anything whatever.

B. Family Property

422 Since every person owns his individual property, he also
593 brings it with him into his marriage, without, however, giving up his exclusive right to it. He uses each article freely and without hindrance and replaces for himself anything and everything that has become unserviceable or is lost. As we have just said, one of the partners in marriage would not dare, at his own discretion, to dispose of an object belonging to the other partner.

• 423 When a marriage takes place, a new configuration of life is
593 always begun, for the family forms a very compact economic unit. The word "family" is used here in its narrower sense, namely, as the social unit of father, mother, and unmarried children. The new configuration of life also demands its own right to certain implements common to the union as such. The solidarity of family

/970 cont. /

423 members is visibly symbolized by the hut in which they all find
593 shelter. The man and woman are simultaneously active in its construction, although he is obliged to do the heavier work and she the much easier light work. The children work, too, no matter how slight their participation is. In like manner, both spouses equally keep the hut in repair after it has been built. It is primarily the woman's duty to perform minor repairs. The skins needed to cover the hut framework are furnished by the man from hunting, while the woman dresses the skins. She stores and transports these pieces of leather in her canoe. No other articles are required as common property for the construction of the hut. Naturally, everyone, without discrimination, enjoys the benefit of the fire, since all the members of the family, in one way or another, see that it does not go out.

423 If, in an exceptional case, two or three families should erect
592 a common dwelling (p. 32), they readily agree on the division of space, within which each one does as he pleases. If one family wanders off sooner than another, they take down their pieces of leather from the framework and load their own things into their canoe. The family that stays behind then closes off the space that they still want to occupy.

423 Only the husband or the wife has the right to permit this guest
594 or that visitor to enter their hut. It is generally regarded as an encroachment to enter a hut without permission, although this is usually tacitly assumed. Once the family has given up their campsite /971/ and departed with their implements, the hut framework left behind is regarded as ownerless. Whoever first takes possession of it lawfully owns it and may settle in it undisturbed.

422 In a certain sense the various foods are also doubtless re-
593 garded as common property of the family, the idea being that the husband and the wife are obliged to seek food for themselves and the members of their family. The Fuegians' convictions concerning this obligation comes out most clearly when an indolent, lazy man neglects his hunting and lets his family starve. The whole neighborhood expresses its displeasure, and the society even grants the wife the right to leave such a neglectful husband. The man collects meat for the whole family, and the woman gathers smaller animals for all her loved ones, indiscriminately, for

/975 cont./

425 We know that the large territory of the Yamana is divided
423 into five zones with boundaries (p. 199 /untranslated/) which also
apply to the right of free food-seeking. Within one's home territory he has free access to everything that nature supplies, but if he goes into neighboring territory and there takes possession of something for his own use, he must be able to justify it. Obvious scarcity of the necessities of life in his more limited home territory or the stranding of a whale affords such justification. A friendly visit is also sufficient reason, for sometimes someone marries into another dialect group from which his nearest kin occasionally visit him. The stranger would not be able to stay too long in the neighboring territory without /976/ arousing displeasure among the local residents and even evoking grave hostility (388). Hence, there, too,

388. I believe that this is the meaning of the following words of Bridges in Hyades (i):180: "The natives dare not go to places where they do not have friends or where they are not known, for they would probably be killed" /translated from French/.

everyone makes himself the owner of whatever he directly confiscates as ownerless property. The members of each dialect group, however, regard themselves as having priority over all natural stores and animals in their local area.

425 When the rightful owner of an object hands it over to another person, he relinquishes his right of ownership and it passes to the other person. The free decision of the owner himself is required in such cases. The Yamana are unacquainted with an actual hereditary right in the sense that certain descendants can legally take over the possessions of an owner after his death, simply because of their kinship with him. Actually, when a person dies, everything he has [1928] owned is purposely destroyed by fire because no one has a right to it as such. Anyone who has received something from another person or is keeping it for him soon returns it (389), simply because the [168]

389. Snow (a):I, 345 confirms this from his own observations: "Several times I procured

628 clubs, flata, and so forth were used freely, with no holds barred, but grave wounds or deaths were uncommon. Organized warfare did not exist, and the *Yahgan* had no defensive weapons. The weapons used in their feuds were primarily made for, and adapted to, hunting.

[62] Social relations within and between the dialectic and local groups appear to have been normally irenic, but violence and bloodshed were not infrequent. The friends of fighting parties usually intervened, both by persuasion and by force, to restore peace. A murder was strongly condemned, and the murderer often became an outcast. Bridges found 29 cases of homicide between 1871 and 1884—an annual rate per population something like 10 times as high as that of the United States. Mercy killings occurred for the purpose of putting an end to the sufferings of the hopelessly ill. Human sacrifice was unknown; so too was premeditated suicide.

[63] 266 The evidence that the *Yahgan* practiced no form of cannibalism—gastronomic, famine, ritual, or other—is convincing beyond all reasonable doubt. They would not even eat animals suspected of devouring human flesh.

ECONOMIC LIFE

423 619 Ownership.—The *Yahgan* resented and avenged exploitative trespass upon their tribal territory or attempted occupation of any part thereof by non-*Yahgan*, Indian or White. So, too, did members of any one of the five dialectic groups (Gusinde, 1937, pp. 964-965) or, according to Koppers (1938 b, p. 176), of any one of the numerous local groups, by nonmembers. Since these local groups seemingly were chiefly kinship groups (cf. supra, Political Life), the *Yahgan* land-tenure system resembled the family-hunting-ground system. There was no exclusive tenure by kinship circles as such, by biological families, or by individuals.

422 Members of one dialectic or local group could, however, exploit the territory of other groups to secure food in grave shortage, to feast on a stranded whale, and to gather firestones and suitable canoe bark, which were found only in certain parts of the *Yahgan* territory.

Ownership of personal property, such as weapons, clothing, adornments, and baskets, was vested in the individual. Women and children, as well as men, had well-recognized rights to such things. The ownership of certain other things—food, hut, canoe—appears to have been vested in the biological family.

[64] Food was looked upon as the property and gift of the Supreme Being; wasting it was disrespectful to Him.

437 Title to personal property was acquired through occupation, labor, donation, and barter. Barter took two forms: plain, or exchange of goods for goods; and by exchange of presents. There was no cur-